

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TUMBLEWEED COMMUNICATIONS
CORP., a Delaware corporation,

Plaintiff and Counter
-Defendant,

v.

SENDMAIL, INC., a Delaware corporation
and DOES 1 through 10, inclusive,

Defendant and Counter
-Claimant.

Case No. C-08-04318-JCS

The Honorable Joseph C. Spero

STIPULATION OF DISMISSAL BETWEEN PLAINTIFF AND DEFENDANT

WHEREAS, Plaintiff/Counter-Defendant Tumbleweed Communications Corp. (“Tumbleweed”) and Defendant/Counterclaimant Sendmail, Inc. (“Sendmail”) have entered into a Settlement Agreement effective as of September 3, 2009.

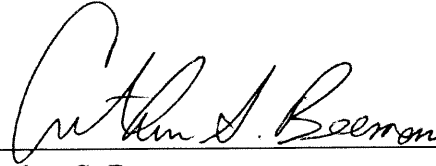
NOW, THEREFORE, pursuant to the settlement agreement of the parties, Tumbleweed and Sendmail stipulate, subject to approval of the Court, that:

1. Tumbleweed’s complaint against Sendmail is dismissed in its entirety with prejudice.
2. Sendmail’s counterclaims against Tumbleweed in their entirety are dismissed with prejudice.
3. Each party shall bear its own attorney’s fees, expenses and costs.

STIPULATED AND AGREED TO:



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So ORDERED and SIGNED this 14th day of September, 2009.

